

APPLICATION No.: 09/745,123
Response After Final
Page 4

Amendment After Final
Reply under 37 CFR 1.116
Expedited Procedure
Examining Group 3732

REMARKS

This is a timely reply to the Office Action of February 19, 2002. In the Office Action, the Examiner rejects all pending claims of the application due to double patenting.

The present application has claims 1-31. New claims 26-31 have been added to the application. These claims were searched and found patentable in USSN 09/745,099 but not allowed because of a double patenting issue with the present application. These claims correspond to claims 5 and 10 through 13 of that application. A few slight amendments are made to these claims to correct grammatical, idiomatic and antecedent errors. A marked set of these claims is included to show those minor changes. These changes do not require a new search. The present application now comprises 6 independent claims and 31 total claims. Excess claim fees have been calculated as shown in the enclosed Excess Claim Fee paper.

Pursuant to the April 8, 2002 telephone conference with the Examiner and the undersigned, it was agreed that in order to overcome the double patenting rejection in the subject application, the claims from co-pending U.S. Patent Application 09/745,099 could be moved into the present application and that upon abandonment of co-pending U.S. Patent Application 09/745,099 the claims in the present Patent Application could be allowed. Therefore, the Applicant has added new claims 26-31 to the present application. In addition, enclosed is a petition to abandon U.S. Patent Application No. 09/745,099.

As such, the Applicant submits that all claims 1-31 are now in order for allowance and allowance of the subject application is respectfully requested.

B

APPLICATION No.: 09/745,123
Response After Final
Page 5

Amendment After Final
Reply under 37 CFR 1.116
Expedited Procedure
Examining Group 3732

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

No new matter has been added. Reconsideration is requested.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at Fax No. 703-872-9303 and addressed to: Commissioner for Patents, Washington, D.C., 20231 on

Respectfully submitted,

May 13, 2002
(Date of Deposit)

Mavis Gallenson

(Name of Applicant, Assignee or Registered Representative)

(Signature)

May 13 2002
(Date)

Mavis Gallenson
Attorney for Applicants
Reg. No. 32,464
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036
(323) 934-2300

B

APPLICATION No.: 09/745,123
Response After Final
Page 6

Amendment After Final
Reply under 37 CFR 1.116
Expedited Procedure
Examining Group 3732

Marked-Up Claims

27. The intraocular lens insertion system of claim 17, wherein the lens moving means comprises a push member, the push member having protrusions formed on a lower peripheral surface and wherein the removably holding means comprises a hollow nipping member, the hollow nipping member having at least one set of depressions on an inner surface of the hollow nipping member, the protrusions on the push member lockably [engage] engaging with the at least one set of depressions on the hollow nipping member resulting in the lens being held in the non-deformed state.

28. The intraocular lens insertion system of claim [18] 27, wherein the hollow nipping member further [having] has a second set of depressions on a lower portion of the inner surface of the hollow nipping member than is the first set of depressions, the protrusions of the push member lockably [engage] engaging with the second set of depressions of the hollow nipping member resulting in the lens being held in the deformed position.